

### **REMARKS**

The present communication responds to the Office Action dated September 8, 2004. In that Office Action, the Examiner rejected claims 1-3 as anticipated by U.S. Patent No. 2,554,680 to Morris and claims 12 and 13 as anticipated by U.S. Patent No. 6,439,630 to Eatmon. The Examiner rejected claim 4 as unpatentable over Morris in view U.S. Patent No. 5,738,214 to Wyss, claim 5 as unpatentable over Morris in view of Eatmon, claims 6, 8-11 and 17-20 as unpatentable over Eatmon in view of U.S. Patent No. 2,914,377 to Bull, and claims 6 and 7 as unpatentable over Morris in view of U.S. Patent No. 1,094,009 to Parkhurst and Bull. In the present communication, claims 1-6, 9, 10 and 16 have been cancelled, claims 7, 8, 11, 12, 14 and 15 have been amended, and new claims 21-31 have been added. New claim 25 corresponds to old claim 14 amended into independent form (as suggested in the Office Action) with minor grammatical edits. Similarly, new claim 26 corresponds to old claim 15 amended into independent form (as suggested in the Office Action) with minor grammatical edits and new claim 27 corresponds to old claim 16 (dependent on new claim 26). This communication addresses the rejections of claims 12-20 and claims 7, 8 and 11, now dependent on claim 12.

#### **Objection to the Drawings**

The Examiner objected to the drawings, indicating that the drawings do not show a handle formed in two sections of generally equal length, as recited in claim 3. Claim 3 is now cancelled, making this objection moot.

#### **Specification**

The Examiner noted that the specification uses the trademark VELCRO. The Examiner indicated that, wherever the term VELCRO appears, it should be capitalized and accompanied by generic terminology. The specification has been amended accordingly.

#### **Objection to the Claims**

The Examiner objected to claim 7 as using the trademark VELCRO. The Examiner indicated that the claim should define the structure using generic terminology. This has been done.

Rejection under 35 U.S.C. § 102

Claims 12 and 13 were rejected under 35 U.S.C. § 102(e) as being anticipated by Eatmon (US 6,439,630). Specifically, the Examiner asserted that Eatmon discloses a storage and transport device 10 with a case body 12 having an inner portion (as shown, Figure 1), a set of clasps 30, 32 and a gardening tool handle 28. The Examiner asserted that the handle 28 is capable of being used to carry the device. This rejection is traversed at least for the following reasons.

Eatmon discloses a garden implement system that includes a case for storing and transporting various garden implements needed at various times while gardening. *Eatmon, Abstract*. Eatmon's garden implement system includes a two-part casing:

Garden implement system 10 includes a two-part, hingedly connected, foam-lined container, generally designated 12, with two foam liner members 14, 16 each provided within a container member 15, 17 ... *Eatmon, Column 2, lines 58-62*.

The foam lined container includes two half-tubular handle gripping structures for gripping a handle of a tool and two container handle sections for forming a carrying handle for the two-part foam lined container:

Foam lined container 12 includes two half-tubular handle gripping structures 30, 32 attached to adjacent side edges 38, 40 of the two-part foam lined container 12, and two container handle sections 44, 46 each provided atop one of the two half-tubular gripping structure 30, 32 such that when the two container members 15, 17 of two-part foam lined container 12 are closed together (as shown in FIG. 2), the two half-tubular handle gripping structures 30, 32 are positioned adjacent to each other in a manner to form a tubular handle gripping assembly 50 and the two container handle sections 44, 46 are positioned together to form a carrying handle 52 for two-part foam-lined container 12. *Eatmon, Column 3, lines 4-16*. (30,32 for tool, 44,46 for carrying).

Thus, while two half-tubular handle gripping structures are provided, these are not intended for positioning the tool handle in a manner to carry the case body, as recited by amended claim 12.

Claim 12, as amended, recites "a set of clasps associated with the case body, a first clasp of the set positioned adjacent a first end of the case body and a second clasp of the set positioned adjacent a second end of the case body," and "an elongated gardening tool handle designed to extend between and engage and disengage with the clasps and used to carry the case body,

wherein the at least one gardening tool head is designed to be mounted selectively on the gardening tool handle.” Assuming, arguendo, that Eatmon’s gripping structures can be called clasps, they are fundamentally different and not intended to support a tool handle that doubles as a case carrying handle. Eatmon’s gripping structures 30, 32 may hold a handle but are not positioned so that the handle so held could be used to support the case. Otherwise Eatmon’s handles 44, 46 would be redundant. Thus, Eatmon does not disclose “a set of clasps associated with the case body, a first clasp of the set positioned adjacent a first end of the case body and a second clasp of the set positioned adjacent a second end of the case body,” or “an elongated gardening tool handle designed to extend between and engage and disengage with the clasps and used to carry the case body, wherein the at least one gardening tool head is designed to be mounted selectively on the gardening tool handle,” as required by amended claim 12. Claim 13 is dependent on claim 12 and is allowable for the same reasons, a fortiori, in view of its additional features.

For at least the reasons stated above, the rejection of claims 12 and 13 under 35 U.S.C. 102(b) as anticipated by Morris is traversed. Reconsideration and allowance are respectfully requested.

Rejection under 35 U.S.C. § 103

Claims 6, 8-11 and 17-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Eatmon (US 6,439,630) in view of Bull (US 2,914,377). Claims 6, 9 and 10 have been cancelled and claims 8 and 11 have been amended to depend from claim 12. Thus, all pending claims subject to this rejection are dependent from claim 12. For at least the reasons given above in relation to the rejection of claims 12 and 13 as anticipated by Eatmon, it is respectfully submitted that Eatmon does not disclose the invention as claimed by claims 8, 11 and 17-20. Bull discloses a corrosion inhibiting method and apparatus. Bull fails to remedy the fundamental teaching deficiencies of Eatmon. Reconsideration of the rejection of claims 8, 11 and 17-20 is thus respectfully requested.

Allowable Subject Matter

Claims 14-16 were objected to as being dependent upon a rejected base claim, but were stated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 14-16 have been cancelled. New claim 25 corresponds to old claim 14 amended into independent form (as suggested in the Office Action) with minor grammatical edits. Similarly, new claim 26 corresponds to old claim 15 amended into independent form (as suggested in the Office Action) with minor grammatical edits and new claim 27 corresponds to old claim 16 (dependent on new claim 26). These claims and all other claims (28-31) dependent on them should be allowable.

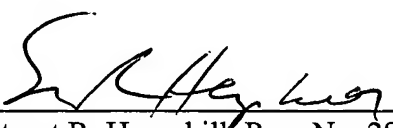
Conclusion

It is submitted that this application now stands in allowable form and reconsideration and allowance are respectfully requested.

Respectfully submitted,

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